

Senate File 2209 - Introduced

SENATE FILE 2209
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3075)

A BILL FOR

1 An Act prohibiting certain credits for time served while on
2 probation.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 907.3, subsection 3, unnumbered
2 paragraph 1, Code Supplement 2011, is amended to read as
3 follows:

4 By record entry at the time of or after sentencing, the court
5 may suspend the sentence and place the defendant on probation
6 upon such terms and conditions as it may require including
7 commitment to an alternate jail facility or a community
8 correctional residential treatment facility to be followed
9 by a period of probation as specified in section 907.7, or
10 commitment of the defendant to the judicial district department
11 of correctional services for supervision or services under
12 section 901B.1 at the level of sanctions which the district
13 department determines to be appropriate and the payment of
14 fees imposed under section 905.14. A person so committed who
15 has probation revoked shall not be given credit for such time
16 served. However, the a person committed to an alternate jail
17 facility or a community correctional residential treatment
18 facility who has probation revoked shall be given credit for
19 time served in the facility. The court shall not suspend any
20 of the following sentences:

21 EXPLANATION

22 This bill relates to receiving credit for time served while
23 on probation.

24 The bill specifies that a person who receives a suspended
25 sentence and is placed on probation and who has probation
26 subsequently revoked shall not be given credit for time
27 served while on probation unless the person has been committed
28 to an alternate jail facility or a community correctional
29 residential treatment facility. A person who serves time in a
30 jail receives credit for time served pursuant to Code section
31 903A.5.

32 The bill is in response to Anderson v. State, 801 N.W.2d 1
33 (Iowa 2011), in which the Iowa supreme court ruled Iowa law
34 requires a person, who is on probation and subsequently sent to
35 prison, to receive credit for the time served at an alternate

1 jail facility, a community correctional residential treatment
2 facility, or a judicial district department of correctional
3 services for supervision or services.

4 Credit for time served ultimately reduces the period of time
5 a person serves in confinement in a jail or prison. Credit for
6 time served is not earned time under Code section 903A.2.